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Further Remarks on the Craftsman's Attack upon the King's legal Prerogatives.



that the Reader may easily, and at one View, see the Connection and Consistency of the Craftsman's present Tenets with his past, and how justly he abuses the Gazetteer, I will place their respective Opinions in opposite Columns.

The Gazetteer's Sentiments.

THAT our Freedom from the Dangers of Prerogative, was not only claim'd and asserted, but effectually secured by the Revolution.

The Craftsman's Doctrine in 1733-4; or the Craftsman mask'd.

* THE Constitution of England had been seen in two very different Lights for almost a Century before the Revolution; but let us be satisfied that it is no longer the Case. Our Constitution is no longer a Mystery; the Power of the Crown is now exactly limited; the Chimera of Prerogative removed; and the Rights of the Subject no longer problematical.

By the Revolution, and the Settlement since made, this State hath received considerable Alterations: A King of Britain is now strictly and properly what Kings should always be, a Member, but the supreme Member or Head of a political Body, Part of one individual, specifick Whole in every respect; distinct from it, or independent of it in none: He can move no longer in another Orbit from his People, and, like some superior Planet, attract, repel, influence and direct their Motions by his own: He, and they, are Parts of the same System, intimately joined, and co-operating together, acting, and acted upon, limiting, and limited, controuling, and controuled by one another. There are no longer any hidden Reserves of Authority to be let out on Occasion, and to overflow the Rights and Privileges of the People. The Laws of the Land are known, and they are the sole Springs from whence the Prince can derive his Pretensions, or the People their's.

REASONS may arise in Process of Time, from the very Nature of Man, to oppose Ministers and Kings too; but none can arise in the Nature of Things to oppose such a Constitution as our's. Better Ministers, better Kings may be hereafter often wanted, and sometimes found; but a better constituted Government never can.

WE cannot lose our Liberty, unless we lose our Constitution, nor lose our Constitution, unless we are Accomplices to the Violations of it; for this Constitution is better fitted than any ancient or modern ever was, not only to preserve Liberty, but to provide for its own Duration, and to become immortal, if any thing human could be so.

THE great Alteration we have spoken of in Property and Power, brought our Constitution, by slow Degrees, and through many Struggles and Dangers, so near the most perfect Idea of a free System of Government, that nothing would be now wanting to compleat it, if effectual Means were found of securing the Independency of Parliament against Corruption, as well as it is secured against Prerogative.

NOTHING can destroy the Constitution of Britain but the People of Britain, and they only by being corrupt; for they are no longer in Danger of being awed by Prerogative.

* See Craftsman, 1733-4; or Dissertation upon Parties, p. 96, 103, 152, 205, 212.

EVERY Man will see, from this just State of the Case, that I have not injured the Craftsman, in supposing, that his former Professions of being an Admirer of the Revolution Settlement, his Recommendations of it as the best Constitution in the World, his Declarations that it had effectually removed the Chimera of Prerogative, and secured us from every Danger on that Hand,

were all Mask, all deceitful Colourings, all pious Pretences, to win the Confidence of the People, till he should have it in his Power to betray them and the Constitution together.

It cannot be thought, that the Craftsman and his Faction had not all along, as well as now, the King's legal Prerogatives or Rights in their View, as what stand

The Craftsman's present Doctrine; or the Craftsman unmask'd.

THE Revolution has not secured us from the Danger of Prerogative; all that mischievous kind of Prerogative, which occasioned such loud and just Complaints in former Times, was not really abolished at the Revolution.

THE King still retains the Right of making Peace or War; the King still retains the Power of calling, continuing, proroguing, and dissolving Parliaments, and no Bills proposed there can have the Force of Laws, without the Royal Assent. The King is still empowered by his Prerogative, to lay Embargoes upon Shipping, provided it be *pro bono publico*, for the publick Good, and not for the private Advantage of any particular Traders.

THE King, as supreme Head of the Church, still hath Power to summon National or Provincial Synods, and the Canons made there become Laws by Virtue of the Royal Assent.

THE King has still the supreme Right of Patronage over all the Ecclesiastical Benefices in England, is still the Fountain of Honour; may create Borough Towns; has still the Power of pardoning all Offences, except Murder upon an Appeal; and still retains the Power of putting the Laws strictly in Execution.

No Prescription of Time lies against the King, and Debts due to the King are to be satisfied before all other Creditors; nor is he liable to pay Costs in any Suit, as his poor Subjects are; no Entry will bar him; no Judgment is final against him, but with a *salvo jure Regis*: Nor will the Law see in the King any Defect, Negligence or Folly; nor can he be a Minor. All this mischievous kind of Prerogative was not abolished at the Revolution, and all this formidable Power still hangs over us, and the People have no other Remedy against it, but that terrible one of an Appeal to Heaven.

In Obstruction to the Completion of their Scheme, as what must be removed before their Ambition can be crowned with Success; and that they did not declare this before, is not so much amazing, as that they should think it a fit Time to do it now.

BUT, since it is done, let us consider the Craftsman as he appears with his Mask off; let us attend to the Faction in their avowed Design of abolishing the legal Rights of the King, and see with what Justice those Rights are attacked.

THE Craftsman cannot any longer deny this to be their Aim, since he strenuously contends, that the Revolution has not abolished all mischievous kind of Prerogative, and brings a great many Instances of the King's Power as Proofs thereof; he must of consequence allow, that what remains of this mischievous Prerogative, ought to be abolished, and that such great and true Patriots as he and his Faction cannot be supposed without the Design, tho' they have not the Power.

If we examine the particular Parts of the Prerogative to which the Faction object, one cannot help observing how very natural it was, that the King's Power of making Peace should be uppermost in the Craftsman's Thoughts, and the first of his Complaints. We all know what a dreadful Blat upon the Craftsman's Hopes the Peace has been; and we are not in the least surprized that he should wish to see his Majesty deprived of so blessed a Power; but this Peace-making Prerogative has given to all good Men as great Joy, as it has to the Craftsman Mortification; and they would, by no Means, have it taken from his Majesty, because they are apprehensive, if *their* Sovereign had been incapacitated from making Peace, till the Craftsman had given his Consent, we should now have been in the midst of a bloody and consuming War, which perhaps no Man alive would have seen the End of.

THE second Branch of Prerogative which the Craftsman objects to, as being continued since the Revolution, is the Power lodged in the King to call, continue, prorogue, and dissolve Parliaments; and that no Bills proposed there, can have the Force of Laws without the Royal Assent. Must not one think that the Craftsman would have Bills pass into a Law without the Royal Assent, and this Power of convening Parliaments placed elsewhere? And can one in this Case do any thing but ask him, to whom he would have these Powers transferred? whether he would substitute his own Assent instead of the Royal Assent? Till he tell us this, I profess I cannot see where these Powers can be better placed than they are already; and I fancy these scheming Gentlemen will not be found so adroit at building up as they are at pulling down.

I am very much surprized at the Craftsman's next Objection to the King's Power, of laying Embargoes upon Shipping, provided it be *pro bono publico*; because the Nation of Prerogative, which he adopts from Mr. Locke, and justifies, is, that the King may do any thing, provided it be *pro bono publico*.

As to the Complaint, that the Revolution has not deprived the King of the Power of summoning national or provincial Synods, &c. as supreme Head of the Church, nor of the supreme Right of Patronage over all the ecclesiastical Benefices in the Kingdom; I can only ask the Craftsman in this Case, as in the other, to whom he would have this Power transferred? whether to any one of his worthy Patrons? or to the whole Junto of mock Patriots? or to the Pope? When the Craftsman gives us this Information, we, in return, will consider his Complaint more fully.

To find the Craftsman offended that the King is still the Fountain of Honour, I did not so much expect; because not long ago he pretended to be reconciled to this Prerogative; he did indeed suggest, that this Power might be abused; but then he was comforted again, and told us, in considering, "That the Persons who are once created Peers, and their Posterity, according to the Scheme of our Constitution, have a Right to sit, and debate, and vote in the House of Peers, which cannot be taken from them, except by Forfeiture, all Influence of the kind he had mentioned, seemed to be again removed, and their Share in the Government depending neither on the King nor the People, they constitute a middle Order, and

* Dissert. p. 158.

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properly Mediators between the other two in the Eye of our Constitution. For what Reason the *Craftsman* has changed his Mind, and seems to be desirous of removing the Fountain of Honour from the *supreme Magistracy*, I cannot conceive, any more than I can the Reason why he mentions the Opinions of some Lawyers concerning the King's Power to create Borough Towns, when he acknowledges it to be a Power disused.

THE Power of pardoning all Offences, except Murder upon an Appeal, or putting the Laws strictly in Execution, the *Craftsman* tells us, makes a considerable Article of that formidable Prerogative which he complains of: But what would the Scribbler have? Would he have the executive Part of Government without a Power to put the Laws in Execution? Or, would he have no-where a Place for Mercy and Pardon? And can there be a more proper Abode for it than in the Royal Breast? Here too let the *Craftsman* be told, that it is false that the King has the Power of pardoning all Offences, except Murder upon an Appeal; for no Pardon can be pleaded to an Impeachment of the House of Commons.

WITH REGARD to the *Craftsman's* malicious Account of his Majesty's Power over his Revenue, it might be easily proved, that the Privileges the King enjoys in this Respect, are absolutely necessary to his receiving any Revenue at all; but, I believe, there is no Man who understands Trade and the Nature of the Revenue, that can think the *Craftsman's* Reasoning in this Case of the least Weight: So I proceed to his last Objection, which crowns and compleats his Scheme. As the removing his other Complaints would take from the King all the Authority and Support of his Crown; so the abolishing of those Laws which secure his Person, those Laws which see no Deficiency in him, but make his Ministers responsible for every thing, would reduce him to that precarious, defenceless Situation, in which his Enemies could not fail of their Triumph; but this, which is treated as a Grievance, is the greatest Happiness of our Constitution, that the King can do no Wrong, and that his Ministers are accountable to the People for all the Administration of Government. By this Regulation we are, at all times, under a good Prince, secure of Redress without hazarding the Constitution, or the Peace of the Publick, which we could never attain, in case the King himself was to be called to Account. Where indeed a Prince will let his Ministers be no more accountable than himself, there he breaks the Constitution; and when the Constitution is dissolved, the People are at Liberty to get Redress by what Means they can: But this is no Impeachment of the Wisdom of the Regulation, which, I hope, the *Craftsman* will not object to again, till he has fully considered the following Passage from the *Author of the Dissertation upon Parties*. "We say that our Kings can do no Wrong. The Maxim is wisely established, and ought to be followed, no doubt, as far as the Conduct of Princes renders the Observance of it practicable."

I come now to the *Craftsman's* Appeal to the Publick: *I leave the World to judge, says he, whether all these Powers, Privileges, and Preeminencies which the Lawyers call Sacra Sacrorum, and hold to be still in the King, come within Mr. Locke's general Idea of Definition of Prerogative; that is, a Power to act without Law, and against Law, upon extraordinary Occasions, for the Good of the People, and for that Purpose only.*

FOR GOD'S Sake! what would this profound Politician be at? Would he have legal Powers, Powers within the Law, come under the Description of acting without Law and against Law? Or would he conclude, because Mr. Locke makes the King's Prerogative to consist in acting without Law and against Law, for the publick Good, that therefore the King has no legal Powers, no Right to any legal Powers, that he cannot act with Law, and according to Law? The *Craftsman* first gives us a Detail of what the King may do within the Law and by the Law, and then cries out, I leave the World to judge, whether it comes under the Description of acting without Law and against Law; the World will judge very rightly about it, and be convinced there never was such a nonsensical Scribbler in it before.

If Prerogative be defined to be the King's Authority of every Kind; then the Power of acting without Law and against Law for the Good of the People, will be considered as the Extremity thereof; but if Prerogative be in its Definition, according to Mr. Locke, confined to the Power of acting without Law, and against Law, for the publick Benefit; then all the other Powers which our Constitution gives the King, are to be considered as legal Powers, as legal Rights, such in-

deed they are, and are not to be taken away, because they are not, according to this Definition, Prerogative.

ON many other Accounts the *Craftsman* deserves severe Animadversions, particularly for objecting it, to his Majesty's Conduct, that he graciously condescended to have the Advice and Concurrence of his People, where he might have acted without either; but we know this to be all Farce and Grimace, and that the real Grief is, that his Majesty did not do so; then the *Craftsman* would have clamoured more successfully. There is another Part of the *Craftsman's* Paper that I must take notice of, because it is as wicked as it is false; it is calculated to incite the People to Rebellion and Civil War, as having no other Relief from that dreadful Prerogative, which the *Craftsman* represents them to be groaning under. 'The Powers before-mentioned, says he, relate to things of the most ordinary Nature which occur every Day, and have been often turned to the grievous Detriment of the People, who have no other Remedy in these Cases, than that terrible one, mention'd by Mr. Locke, an Appeal to Heaven.'

WAS ever any Assertion further removed from Truth, or more vile in its Tendency? Does the King act by himself? Does not every Man know that he acts always by his Ministers? Are not his Ministers, his Servants, responsible for every thing, accountable for all ill Conduct, all Abuse? And does the *Craftsman* say, that there is no Appeal but to Heaven, no Redress but in Rebellion and Civil War? Does the King sit in Courts of Justice, does he judge, does he try, does he condemn? And are not his Judges open to Punishment if they oppress, if they act unjustly, if they go contrary to Law? But I am ashamed to follow this Deceiver any further through such infamous Falshood, and vile Iniquity: I will therefore conclude with this Consolation, that as every Freeman will always look upon the publick Good as the fundamental Law of Government, as the Law enacted by Nature itself, by which Prerogative, and every other thing must be regulated, so I promise myself that every honest Man, knowing that the Revolution has confined Prerogative within these Limits, will on this Occasion say, NOLU MUS LEGES ANGLIÆ MUTARI.

BRITANNUS.

Wakefield, May 4. This Day the Hon. Lieutenant General Honeywood (whose Dragoons are quarter'd in this Town) took Occasion to review his Regiment, on account of the Nuptials of their Royal Highnesses the Prince and Princess of Wales: His Regiment made a very splendid Appearance, and after the Review the General entertain'd all the Officers and several Gentlemen of the Town with an elegant Dinner, where the Healths of their Majesties, the Prince and Princess of Wales, and several other loyal Healths were drank. In the Evening the whole Regiment, which was under Arms, march'd in Order to the great Room, where they fired several Volleys; the Night concluded with a Ball for the Ladies, for whom was also provided a magnificent Entertainment, at which the Ladies made a very fine Appearance, and the whole was conducted in a genteel and polite Manner.

L O N D O N .

We hear that the Names of the Persons who have desired to contribute towards the 600,000*l.* to be raised by Annuities at 3*l.* per Cent. per Annum, payable out of the Sinking Fund, are lodged in the Auditor's Office, at the Receipt of Exchequer, and that the Sums set against their respective Names, are to be paid at one intire Payment, on or before the 10th Day of July next.

On Tuesday last the five following Horses started for his Majesty's Plate of 100 Guineas at Ipswich in Suffolk, by 5 Years old Horses, viz. Earl of Hallifax's Bay Horse, Mr. Medcalf's Gray Horse, Mr. Panton's Bay Horse, Mr. Tutin's Bay Gelding, and Mr. Grefwood's Bay Mare; and the same was won by the Earl of Hallifax's Bay Horse, but hard run by Mr. Medcalf's Gray Horse.

The same Day his Majesty's Plate of 100 Guineas was run for on Salisbury Course, by 6 Years old Horses, when three started, and the same was won by the Duke of Bolton's Bay Horse.

To be LETT;

At Betchworth, near Dorking in Surry,

A Large convenient House, 20 Miles from London, with Stables for Ten Horses, Pigeon-House, Fish Ponds, Garden and Orchards, with or without Fifteen Acres of Pasture Ground.

Inquire of T. Woodward at the Half-Moon between the Two Temple Gates in Fleet-street.

L O N D O N :

Printed for T. COOPER, at the Globe in Pater-noster-Row.

Custom-house, London, 21st May, 1736.

For S A L E.

By Order of the Honourable Commissioners of his Majesty's Customs, &c.

ON Wednesday the 2d, and Friday the 4th Days of June next, at 3 o'Clock in the Afternoon of the same Days, will be put up to Sale, in the Long Room at the Custom-house, London, several Parcels of Beeswax and Green Tea, Raw and Roasted Coffee, Brandy, Rum, Geneva and Tobacco, clear of all Duties.

To be seen at the King's Ware-house on Monday the 31st of May Instant, and on Tuesday the 1st of June next, and on Wednesday Morning before the Sale.

To be LETT Reasonable, and enter'd in immediately,

A Sugar and Dwelling House ready fitted up, in the Heart of the City. Enquire of Mr. Chamberlin, Bricklayer, in Queen Street near Thames-street.

This Day is Published,

MEMOIRS of the Ancestors of her Royal Highness AUGUSTA, Princess of Wales, and of SAXE-GOTHA. Particularly Frederick the Wife, John the Good and the Constant, and John Frederick the Magnanimous, Protectors of the Great LUTHER. In a Letter to a Friend, by the Authors of the Abstract, with Improvements, of the History of Popery, and of the Supplement, to which the Reader is referred for a full and true Account both of Popery, and of the Reformation. To which is prefixed, the Edges of her Royal Highness AUGUSTA, Princess of Wales, curiously Engraved.

Printed for John Oswald, at the Rose and Crown in the Poultry, near Stocks-Market. Price stitched 1*s.*

N. B. At the same Place may be had, the first Volume of the Abstract, with Improvements, of the History of Popery. The second and last Volume, with the Supplement, will be published the first of July next: These two Volumes in 4to. will contain the most remarkable Transactions of the Church of Rome, and of the Reformation, both at home and abroad, from the first Ages of Christianity to the End of the Council of Trent, with 15 curious Cuts, designed and engraved by the best Hands.

Tuesday (June 1.) was Published,

THE POLITICAL STATE of Great Britain for the Month of MAY, 1736.

Containing in particular,

1. Her Royal Highness's Journey, Arrival, and the Ceremony of her Marriage.
2. His Royal Highness's Declaration against influencing Members of Parliament.
3. Late Dispute about the Choice of East India Directors.
4. A new Method for salting Meat.
5. A very extraordinary sort of Madness.
6. The late bloody Riot at Edinburgh.
7. The Entry of the Prince and Princess of Orange into Groningen.
8. The French Court frightened by a Country 'Esgp.
9. A laudable Spirit in France for the Encouragement of Learning.
10. A Spanish Contrivance against the South Sea Company.
11. A great Mob at Rome.
12. Respect shewed by the Spaniards to the Dutch.
13. A King drops from the Clouds into Corsica.
14. Imperial Decree to the Dyet at Ratisbon, in relation to the late Peace.
15. French Complaisance to the Duke of Wirtemberg.
16. The Lord Delaware's Entry at Gotha.
17. The late History of Poland continued.
18. Marriages, &c.
19. Bill of Mortality.

Printed for T. Cooper, at the Globe in Pater-noster-Row. Price 1*s.* 6*d.* Where may be had the former Numbers.

N. B. The Journal of last Session of Parliament shall be begun in our next.

This Day is Published,

(Price Six-pence)

THE LITERARY MAGAZINE:

Or the History of the Works of the Learned. Containing an Account of the most valuable Books published both at Home and Abroad, in most of the Languages in Europe, and in all Arts and Sciences. With proper Observations on each Author. To which are occasionally added, Biographical Memoirs, Dissertations, and Critical Enquiries.

By a SOCIETY of GENTLEMEN. For MAY 1736.

This Month contains, XXIII. Dr. Grey's Examination of the 14th Chapter of Sir Isaac Newton's Observations on Daniel. XXIV. Remarks on the Tragedy of Hamlet. XXV. Continuation of the History of the Revolution of Poland; being the Sequel of Article XV.

XXVI. Extra from the Philosoph. Transactions, No 47.

XXVII. Reflections on the Character and Talents of Cowley.

XXVIII. The Miscellaneous Works of Mr. Pellison, of the French Academy.

XXIX. Fabricius's Latin Library of the middle and lower Ages.

XXX. Literary News.

Printed and sold by J. and J. Fox, in Westminster-Hall.

J. Jackson, near St. James's-Gate; T. Meighan, in Drury-Lane; J. Wilcox, over-against the New Church in the Strand;

T. Worral, over-against St. Dunstan's Church in Fleet-street; P. Meighan, at Gray's-Inn-Gate in Holbourn; and H. White-

ridge, at the Corner of Castle Alley, near the Royal Exchange.

As also by T. Cooper, at the Globe in Pater-noster-Row.

Where may be had the first Volume Complete, or any single Number.